

AMENDED IN SENATE JUNE 24, 2003  
AMENDED IN ASSEMBLY MARCH 25, 2003  
AMENDED IN ASSEMBLY JANUARY 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

No. 32

---

**Introduced by Assembly Member Salinas**  
**(Coauthor: Assembly ~~Member~~ Members Maldonado and**  
**Matthews)**

December 2, 2002

---

An act to *amend Section 50517.11 of, and to add and repeal Section 50517.15 of, the Health and Safety Code, relating to housing.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 32, as amended, Salinas. Housing: farmworker housing.

The Joe Serna, Jr. Farmworker Housing Grant Program requires the Department of Housing and Community Development to make grants or loans, or both, to local public entities, nonprofit corporations, and limited partnerships for the construction or rehabilitation of housing for agricultural employees and their families. The department has specified duties relating to the operation of this program *and is prohibited from entering into a new memorandum of understanding related to the implementation of the program or contract or committing additional funding to the program after January 1, 2004, except for specified costs and activities.*

This bill would *extend the operative date of the above described prohibition until January 1, 2008, and would, until January 1, 2008, authorize a local public agency, nonprofit corporation, or limited*

partnership that constructs or rehabilitates farmworker housing for agricultural employees with public funds to enter into a lease agreement with an agricultural employer, as defined, for farmworker housing for a term of more than one year if the agricultural employer agrees to lease the farmworker housing to agricultural employees on the same terms and conditions, including amount of rent, that would otherwise be included in a rental agreement between the local public agency, nonprofit corporation, or limited partnership and the agricultural employees for that housing.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 50517.11 of the Health and Safety Code*  
2 *is amended to read:*

3 50517.11. (a) The Legislature finds and declares all of the  
4 following:

5 (1) California's hard-working agricultural workers have made  
6 critical contributions to California's agricultural economy for  
7 many generations.

8 (2) The health, housing, and economic and social conditions of  
9 agricultural workers have been long ignored by public policy, such  
10 that this lowest-paid segment of our labor force has lived in  
11 poverty conditions, with inadequate health care, housing, and  
12 other services.

13 (3) The late Mayor of Sacramento, Joe Serna, Jr., who grew up  
14 as a farmworker and provided an inspiration by making invaluable  
15 contributions to society, maintained a lifelong interest in  
16 improving the conditions of agricultural workers and their  
17 families and children.

18 (4) Housing is a primary determinant of health.

19 (5) While California has established a Farmworker Housing  
20 Grant Program, it has not attempted to integrate its housing  
21 programs with broader programs to ensure the health and improve  
22 the conditions of agricultural worker families.

23 (b) It is the intent of the Legislature to enact the "Joe Serna, Jr.  
24 Farmworker Family Wellness Act," to provide for all of the  
25 following:

1 (1) Integration, coordination, and expansion of health services  
2 to achieve the goal of advancing comprehensive strategies for  
3 improving the health status of agricultural workers and their  
4 families.

5 (2) Integration, coordination, and expansion of  
6 community-based services, including housing, educational,  
7 recreational, and social services, to serve the varied needs of  
8 agricultural worker families.

9 (3) A means for integration and coordination of public, private,  
10 and nonprofit services in conjunction with the Joe Serna, Jr.  
11 Farmworker Housing Grant Program to maximize the  
12 effectiveness of services to agricultural worker families.

13 (c) (1) There is hereby created the Joe Serna, Jr. Farmworker  
14 Family Wellness Program, to provide for the integration of family  
15 health and other family services with the housing component of  
16 Section 50517.5. The program shall contain elements that provide  
17 for all of the following:

18 (A) The provision of housing and the provision of health and  
19 other family services for agricultural workers in a coordinated  
20 manner.

21 (B) Involvement of agricultural workers in decisions about  
22 priorities for programs and services that are needed.

23 (C) The participation of other community partners, including  
24 schools, in a collaborative effort to provide these programs and  
25 services in conjunction with the construction of new housing or the  
26 rehabilitation of existing housing.

27 (2) Subject to funding in the Budget Act of 2000 for a program  
28 to link up farmworker housing grant funds to housing  
29 developments that also provide health and other family services,  
30 the Department of Housing and Community Development may  
31 enter into a memorandum of understanding (MOU) or contract for  
32 the implementation of this program with a nonprofit corporation  
33 that demonstrates statewide experience, capacity, and capability in  
34 designing, financing, and implementing programs for providing  
35 housing for agricultural workers and integrating health services  
36 with the provision of farmworker housing. The MOU or contract  
37 shall provide that the nonprofit corporation shall process and  
38 approve applications received from potential grantees, oversee  
39 project development and implementation, and oversee the  
40 long-term monitoring and compliance required by Section

1 50517.5 and this section. The MOU or contract shall include the  
2 criteria for consultation with the department or department  
3 approval of various components of the program and an expedited  
4 process with the intent of providing approvals in a shortened  
5 timeframe. The department may prescribe conditions related to the  
6 deposit, use, and accounting of funds for operation of the program.  
7 The MOU or contract shall further provide that the department  
8 funds awarded to any grantee by the nonprofit corporation be used  
9 in conjunction with the nonprofit corporation's funds in both the  
10 housing construction or rehabilitation component as well as the  
11 health and family services component. The nonprofit  
12 corporation's funds may be used as all or a portion of the match  
13 required by subdivision (c) of Section 50517.5.

14 (3) The department shall not be subject to the requirements of  
15 Chapter 3.5 (commencing with Section 11340) of Part 1 of Title  
16 2 of the Government Code.

17 (4) A nonprofit corporation selected pursuant to paragraph (2)  
18 shall report the information required by this paragraph to the  
19 Department of Housing and Community Development and the  
20 department shall report to the Legislature the results of the Joe  
21 Serna, Jr. Farmworker Family Wellness Program on or before  
22 December 31, 2002. The report shall include all of the following:

23 (A) Details of the MOU.

24 (B) Number of grants awarded to grantees.

25 (C) Details about the projects operated using grant funds  
26 identifying information related to all of the elements provided in  
27 paragraph (1).

28 (D) Number of new housing units built, rehabilitated, or under  
29 construction.

30 (E) Details about the physical and other benefits received by  
31 agricultural workers and their families from participation in the  
32 health and family services programs while living in the housing  
33 units assisted by this program.

34 (d) The department shall not enter into a new MOU or contract  
35 or commit additional funding to the program after January 1, ~~2004~~  
36 2008, except for costs and activities related to long-term  
37 compliance and monitoring of projects assisted pursuant to this  
38 section.

39 SEC. 2. Section 50517.15 is added to the Health and Safety  
40 Code, to read:

1 50517.15. (a) It is the intent of the Legislature to authorize  
2 local public agencies, nonprofit corporations, and limited  
3 partnerships that rent or lease farmworker housing to enter into  
4 long-term leases with agricultural employers for farmworker  
5 housing in order to improve the ability of local public agencies,  
6 nonprofit corporations, and limited partnerships to obtain  
7 financing for that housing.

8 (b) A local public agency, nonprofit corporation, or a limited  
9 partnership, as defined in paragraph (1) of subdivision (g) of  
10 Section 50517.5, that constructs or rehabilitates farmworker  
11 housing for agricultural employees, as defined in paragraph (1) of  
12 subdivision (g) of Section 50517.5, with public funds may enter  
13 into a lease agreement with an agricultural employer, as defined in  
14 subdivision (b) of Section 1140.4 of the Labor Code, for  
15 farmworker housing for a term of more than one year if the  
16 agricultural employer agrees to lease the farmworker housing to  
17 agricultural employees of the employer on the same terms and  
18 conditions, including amount of rent, that would otherwise be  
19 specified in a rental agreement between the local public agency,  
20 nonprofit corporation, or limited partnership and the agricultural  
21 employees for that housing and the following conditions are met:

22 (1) The total rent revenue received by the agricultural  
23 employer from the agricultural employees does not exceed the  
24 amount that the agricultural employer is required to pay the local  
25 public agency, nonprofit corporation, or limited partnership for the  
26 lease.

27 (2) The agricultural employer does not charge or collect a  
28 security deposit from an agricultural employee for the housing  
29 leased pursuant to this section.

30 (3) The agricultural employee has the same rights and  
31 responsibilities provided by law to a residential tenant.

32 (4) *The agricultural employer is not responsible for the*  
33 *operation or maintenance of the farmworker housing.*

34 (5) *The agricultural employee is required to meet the eligibility*  
35 *requirements of the Joe Serna, Jr. Farmworker Housing Grant*  
36 *Program.*

37 (c) An agricultural employer who enters into a lease agreement  
38 with a local public agency, nonprofit corporation, or limited  
39 partnership for farmworker housing pursuant to subdivision (b)  
40 may enter into a sublease agreement with another agricultural

1 employer for this housing for a term of one year or less if the  
2 sublessee agrees to lease the farmworker housing to agricultural  
3 employees of this sublessee on the same terms and conditions that  
4 would otherwise be specified in a rental agreement between the  
5 lessor described in subdivision (b) and the agricultural employees  
6 for that housing.

7 (d) This section shall remain in effect only until January 1,  
8 2008, and as of that date is repealed, unless a later enacted statute,  
9 that is enacted before January 1, 2008, deletes or extends that date.

